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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: M. KUROKAWA
Serial No.: 10/726,530
Filed: December 4, 2003
For: **METHOD AND SYSTEM FOR MEASURING MEMORY
AND LEARNING CAPABILITIES**
Art Unit: 3714
Examiner: John Edmund Rovnak

**PETITION TO THE COMMISSIONER UNDER 37 CFR 1.181(a)(1)
FOR COMPLETE OFFICE ACTION AND RESTARTING
OF PERIOD FOR RESPONSE**

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

July 9, 2004

Sir:

The Office Action (Paper No. 06182004) dated on June 23, 2004, issued in connection with the above-referenced application is acknowledged. However, Applicants respectfully submit that the Office Action is incomplete for reasons discussed herein below, and request that a decision on this Petition be issued before September 23, 2004, for filing a Response set in the Office Action (Paper No. 06182004).

STATEMENT OF THE FACTS

- 1) On February 12, 2003, the application was filed in the USPTO.
- 2) On February 12, 2004, a Preliminary Amendment was filed in which

the specification has been amended along with the Abstract. In addition, claims 1 and 3 have been amended, while claim 2 has been cancelled without prejudice or disclaimer. A copy of that Preliminary Amendment is enclosed for the Petition Office's convenience along with its postcard receipt.

- 3) On June 23, 2004, a first Office Action was issued in which the Examiner has evidently failed to consider the Preliminary Amendment filed on February 12, 2004.

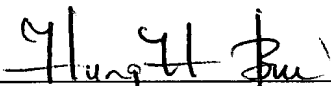
RELIEF REQUESTED

Since the Office Action of June 23, 2004, is incomplete for the reasons discussed above, pursuant to 37 CFR 1.181(a)(1), and MPEP 710.06, Applicants respectfully petition that a complete Office Action be issued, and that the period for Response be restarted.

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP

By


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Patent Dkt. No. 566.41216VX1 Attorney Initials HHB

Application No. 10/726,530 Filing Date December 4, 2003

Applicant(s) KUROKAWA

Papers Filed Herewith on February 12, 2004

Receipt is hereby acknowledged of the papers filed as indicated by the checked items in connection with the above-identified application:

- | | |
|---|---|
| <input type="checkbox"/> New Application Transmittal Form | <input type="checkbox"/> Credit Card Payment Form |
| <u> </u> Pages of Specification (<u> </u> claims) Fees \$ <u> </u> | |
| <u> </u> Sheets of Drawings | <input checked="" type="checkbox"/> Amendment (Preliminary) |
| <input type="checkbox"/> Declaration (<u> </u> pages) | <input checked="" type="checkbox"/> Response to Office Action |
| <input type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Petition for Extension of Time (<u> </u> mos.) |
| <input type="checkbox"/> Claim for Priority | <input type="checkbox"/> Information Disclosure Statement |
| <input type="checkbox"/> Priority Documents | <input type="checkbox"/> PTO-1449 <input type="checkbox"/> Copies of References |
| <input type="checkbox"/> Assignment Papers | <input type="checkbox"/> Revised Drawings (<u> </u> sheets) |
| <input type="checkbox"/> Issue Fee Transmittal | <input type="checkbox"/> Notice of Appeal |

- ☒ Other - Request for Refund
- Exhibit A: Replacement Sheets for FIGS. 1 and 3
- Exhibit B: Annotated Sheets Showing changes to Figs.

